CHAPTER 10 PREPARATION OF VOTING EQUIPMENT

TABLE OF CONTENTS

PRE-ELECTION LOGIC AND ACCURACY TESTING OF OPTICAL SCAN TABULATORS AND AUTOMARK VOTER ASSIST TERMINALS:

The conduct of Pre-election Logic and Accuracy Testing of all optical scan tabulators and AutoMARK Voter Assist Terminals prior to each election is the responsibility of the local election commission. Test procedures for both the tabulator and AutoMARK are available on the Department of State's website.

A **preliminary** accuracy test is required for all optical scan tabulators and AutoMARK voter assist terminals prior to each election. In addition a **public** test of one or more selected tabulators must be performed as discussed below. A public test of the AutoMARK is not required.

The **preliminary** accuracy test should be conducted for both the tabulator and the AutoMARK as soon as the program(s) and ballots are received by the clerk. The **public** accuracy test for the tabulator must be conducted no later than five days before the election. In addition, a notice of the test must be published in a newspaper or journal of general circulation at least 48 hours prior to the conduct of the test.

All election materials used to conduct the pre-election logic and accuracy testing (including the test deck, chart of predetermined results, zero tape and accuracy test results) must be secured in an approved ballot container for the duration of the retention period.

- The number on the seal used to secure the pre-election test materials must be recorded on the Optical Scan Test Certification form, AutoMARK Preparation Checklist and Test Certification form, and the Ballot Container Certificate.

- The serial numbers on the seals used to seal the programs into the tabulator and terminal following successful testing must be recorded in the Poll Book (Clerk's Preparation Certificate).

It is acceptable to use the same ballot container for the preliminary and public tests, provided that the following steps are taken to ensure proper security:

A. The test materials from the preliminary accuracy test are sealed into an approved container directly following the test and the seal number is documented on the proper test certification forms and ballot container certificate.

B. Prior to the conduct of the public accuracy test, the original ballot container seal is broken, verified and deposited into the container. The tabulator test deck is removed and used to conduct the public accuracy test.

C. The test materials from the public accuracy test are deposited into the ballot container directly following the test and a new seal is affixed.

D. The new seal number is documented on the test certification form and on the ballot container certificate.

Detailed instruction on pre-election logic and accuracy testing of optical scan tabulators and AutoMARK voter assist terminals can be requested for groups and associations depending on the availability of BOE representatives.

TABULATOR PROGRAMMING: To ensure an accurate vote count, all tabulators must be programmed to reject blank ballots, ballots containing "overvotes" and partisan primary ballots which are invalid due to "crossover" voting. If this programming feature is not employed as required, inaccurate vote results can occur due to ballots that contain false "blank" reads; ballots containing votes which cannot be scanned by the tabulator due to the voter's use of an improper marking implement; false "overvotes"; and false "crossover" votes (if a partisan primary). An explanation of how false "blank" ballots, false "overvotes" and false "crossover" votes can result in inaccurate vote totals is provided below:

False "overvote" created by ballot correction: Ballot instructs voter to "Vote for not more than 1." Voter: 1) records a vote by completing the arrow or filling in the oval 2) changes his or her mind and crosses out or attempts to erase the mark and 3) votes for a different candidate by completing a second arrow or filling in a second oval.

If the tabulator is properly programmed to identify and reject "overvoted" ballots, the ballot will be rejected due to the appearance of two marks in the same race. This affords the election inspector

assigned to the tabulator the opportunity to offer the voter a replacement ballot. In this case, without looking at the ballot, the election inspector discretely explains the reason for the rejection to the voter and steps away from the tabulator while the voter visually inspects his or her ballot. If it is determined that the "overvote" is, in fact, due to a "false read," a replacement ballot is issued.

If the tabulator is not programmed to identify and reject "overvoted" ballots, no vote will count in the race due to the false "overvote" which will, in turn, result in an inaccurate vote total.

False "overvote" created by invalid write-in: Ballot instructs voter to "Vote for not more than 1." Voter: 1) records a vote by completing the arrow or filling in the oval 2) enters the name of an individual who *is not a declared write-in candidate* in the write-in position assigned to the office and 3) records a vote for the write-in candidate by completing the arrow or filling in the oval assigned to the write-in position. (A write-in vote is "invalid" if it is cast for an individual who is not a declared write-in candidate for the office and political party (if a partisan primary) involved.)

If the tabulator is properly programmed to identify and reject "overvoted" ballots, the ballot will be rejected due to the appearance of two marks in the race. This affords the election inspector assigned to the tabulator the opportunity offer the voter a replacement ballot. In this case, without looking at the ballot, the election inspector discretely explains the reason for the rejection to the voter and steps away from the tabulator while the voter visually inspects his or her ballot. If it is determined that the "overvote" is, in fact, due to a "false read," a replacement ballot is issued.

If the tabulator is not programmed to identify and reject "overvoted" ballots, no vote will count in the race due to the false "overvote" which will, in turn, result in an inaccurate vote total.

"Blank" ballot which contains valid votes: Ballot instructions direct the voter to: "…use only a black or blue ink pen. DO NOT USE ANY OTHER INK COLOR!" The voter does not read the instructions and uses an unacceptable marking tool to mark his or her ballot or makes a mark that is not large enough or dark enough to be read.

If the tabulator is properly programmed to identify and reject "blank" ballots, the ballot will be rejected due to the tabulator's inability to read any of the marks made on the ballot. This affords the election inspector assigned to the tabulator to offer the voter a replacement ballot. Again, without looking at the ballot, the election inspector discretely explains the possible reasons for the rejection to the voter and allows the voter to inspect his or her ballot in private. Once the cause of the problem is identified, a replacement ballot is issued.

If the tabulator is not programmed to identify and reject "blank" ballots, no votes cast on the ballot will count due to the voter's failure to following the voting instructions which can result in a false "blank" read which will, in turn, result in inaccurate vote totals.

False "crossover" vote created by ballot correction: The partisan primary ballot instructions advises voters: "IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED." Voter: 1) records a vote in one of the party columns appearing on the ballot 2) changes his or her mind and crosses out or attempts to erase the mark and 3) records a vote in one or more offices in another party column.

If the tabulator is properly programmed to identify and reject a "crossover" vote, the ballot will be rejected due to the appearance of marks in more than a single party column. This affords the election inspector assigned to the tabulator to offer the voter a replacement ballot. The reason for the rejection is discretely explained to the voter and the voter is given an opportunity to inspect his or her ballot in private. If it is determined that the "crossover" vote is, in fact, due to a "false read," a replacement ballot is issued.

If the tabulator is not programmed to identify and reject partisan primary ballots which contain a "crossover" vote, no votes cast in the partisan section of the ballot will count which will, in turn, result in inaccurate vote totals.

False "crossover" vote created by invalid write-in: The partisan primary ballot instructions advise voters: "IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED." Voter: 1) enters an "invalid" write-in in one of the party columns on the ballot 2) records the vote by completing the arrow or filling in the oval assigned to the write-in position and 3) records votes in one or more offices in another party column. (A write-in vote is "invalid" if it is cast for an individual who is not a declared write-in candidate for the office or political party (if a partisan primary) involved.)

If the tabulation equipment is properly programmed to identify and reject partisan primary ballots which contain a "crossover" vote, the ballot will be rejected due to the appearance of marks in more than a single party column. This affords the election inspector assigned to the tabulator to offer the voter a replacement ballot. Without looking at the ballot, the election inspector discretely explains the possible reason for the rejection to the voter and steps away from the tabulator while the voter visually inspects his or her ballot. If it is determined that the "crossover" vote is, in fact, due to a "false read," a replacement ballot is issued.

If the tabulator is not programmed to identify and reject partisan primary ballots which contain a "crossover" vote, no votes cast in the partisan section of the ballot will count which will, in turn, result in inaccurate vote totals.